

**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : **CARLONE, Mario Rosario et al.**  
SERIAL NO : 10/752,793  
FILED : January 7, 2004  
TITLE : INBRED MAIZE LINE PH581

Grp./A.U. : 1638  
Examiner : **FOX, David T.**  
Conf. No. : 5128  
Docket No. : P06276US01 - PHI 1334C

**RESPONSE TO REQUEST FOR  
INFORMATION UNDER 37 C.F.R. § 1.105**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Communication from the Examiner March 30, 2006, it is respectfully requested that this Response To Request For Information Under 37 C.F.R. § 1.105 be entered and made of record. The following remarks place the application in form for allowance. No new matter is presented, as such the Response is proper under 37 C.F.R. §1.121. Applicants respectfully request reconsideration.

**Introductory Comments**

Claims 1-29 are pending in the present application.

**Remarks/Arguments** begin on page 2 of this paper.

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CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

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Date: 7/17/06

  
Lila A. T. Akrad

## REMARKS

The present application relates to inbred maize line PH581. Claims 1-29 are pending in the present application. No new matter has been added by way of amendment. Applicants respectfully request consideration of the claims in view of the following remarks.

### Request for Information under 37 C.F.R. § 1.105

The Examiner has made a Request for Information under 37 C.F.R. § 1.105. The Examiner states the requested information is "required to make a meaningful and complete search of the prior art". See Office Action, pp. 2-4.

Applicants provide answers to each of the Examiner's interrogatories discussed *infra*. Applicants note that the information provided to the third and fourth interrogatories are only to *previously* publicly disclosed or sold parental maize lines or progeny therefrom as requested by the Examiner. Thus, Applicants assert the interrogatories have been answered with respect to the Examiner's request for the information for prior art purposes. Applicants point out that the third interrogatory was specific to *previously* publicly disclosed or sold as this is relevant to the Examiner's prior art inquiry. Thus Applicants note that the response to the fourth interrogatory is also answered with respect to maize lines produced by said method using said original parental maize lines which were *previously* publicly disclosed, sold or disclosed in a U.S. patent application as this is relevant to the Examiner's request for prior art purposes as stated on page 2 of the Office Action.

The Examiner begins by asking firstly, what were the original parental maize lines used to produce maize inbred line PH581? PH06B and PHKW3.

Secondly, what method and steps were used to produce maize inbred line PH581? Pedigree selection method produced by selfing for 5 generations.

Third, have any of said parental maize lines or progeny therefrom been previously publicly disclosed or sold?

a. The parental maize line PH06B has not been previously publicly disclosed or sold. The parental maize line PHKW3 was previously publicly disclosed in PVP Certificate No. 9500209 and U.S. Patent No. 5,534,661.

b. No other progeny of the parental cross PH06B/PHKW3 was previously publicly disclosed or sold by Applicants prior to the earliest priority date.

Fourth, were any other maize lines produced by said method using said original parental maize lines, and if so, have said produced maize lines been publicly disclosed, sold or disclosed in a U.S. patent application? If so, under what designation were said other maize lines disclosed or sold? No maize line using the same F1 cross has been *previously* publicly disclosed, sold or disclosed in a U.S. patent application prior to the earliest priority date.

In light of the above remarks, Applicants respectfully request reconsideration and compliance with the interrogatories under the Request for Information under 37 C.F.R. § 1.105.

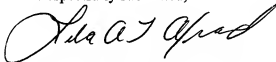
### **Conclusion**

In conclusion, Applicants submit in light of the above amendments and remarks, the claims as amended are in a condition for allowance, and reconsideration is respectfully requested. If it is felt that it would aid in prosecution, the Examiner is invited to contact the undersigned at the number indicated to discuss any outstanding issues.

No other fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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